

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUSTY LEE McNALL,

Petitioner,

File no: 1:06-CV-760

v.

HON. ROBERT HOLMES BELL

KENNETH McKEE,

Respondent.

_____/

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Petitioner's habeas corpus petition is summarily **DISMISSED** pursuant to Rule 4, Rules Governing §2254 Cases, because the petition fails to state a meritorious federal claim.

IT IS FURTHER ORDERED that a certificate of appealability is hereby denied.

Date: November 30, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE